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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,739	08/22/2001	James E. Croley	1191.05	6927
7590	07/13/2005		EXAMINER	
MELVIN K. SILVERMAN 500 WEST CYPRESS CREEK ROAD SUITE 500 FORT LAUDERDALE, FL 33309			HUYNH, BA	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/933,739	CROLEY, JAMES E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ba Huynh	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION*****Response to Amendment***

1. The declaration filed on 5/6/05 under 37 CFR 1.131 has been considered but is ineffective to overcome the US2003/0220891 (Fish) reference.

This instant CIP application substantially contains new subject matter added into the specification. The new subject matter, as disclosed in figures 1-3 and corresponding descriptions, provides support for the written description requirement (i.e., "how to make" and "how to use") for the claimed languages "configuring a data from", "providing a plurality of Windows-based reference menus", "providing a multiple choice menu", "selectably entering data", "defining historical data from", "designating certain data fields as key default fields", and "dynamically linked" (of the entries and the data fields, as oppose to non-dynamically link. See the spec, page 11). The above claimed limitations are not support by an adequate description in the parent application. New matter added to the specification also include the teachings of US patents 4,763,356 (Day) and 5,325,478 (Shelton), both of which patents were cited in the 10/21/99 Office action rejecting all claims in parent application 09/046,490. It is further noted that the declaration itself, in paragraph 5, admits that the parent specification fails to distinguish from the set forth rejection based on Day in view of Shelton.

It has been held that the effective filing date of a CIP application whose claims are not supported by the parent application is the filing date of the CIP. See MPEP 2133.01. Accordingly the filing date of the parent application 09/046,490 cannot be used for the benefit of the above claimed limitations.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being obvious over US Patent Application 2003/0220891 (Fish).

- As for claims 1, 7, 8: Fish teaches a computer implemented method of entering, updating, and displaying of related data on a single screen page (see the abstract), comprising the steps of: configuring a data form (figure 1a) intended for real-time use, during a physical examination or a technical inspection (0001), into a geometry sufficient to display the entirety thereof upon a single screen page of a computer monitor (0039), providing a plurality of menus, each includes a selectable subset of menus displayed in a drop-down list having alpha-type entries for a plurality of data fields 154b (figures 1a,b), storing each completed data form thereby defining a historical data form (0019), 0103), designating certain data fields thereof as key default data fields (0092 – 0094), and

displaying on a single screen all data entries of the key default data entries (figure 12).

Fish fails to clearly teach that the method/system is intended to be used during a physical examination or technical inspection. However, the intended field of use in physical examination does not distinguish over Fish's generic teaching of information management (0001-0002). Fish's disclosure is capable for managing information in physical examination, and thus the entering of physical examination information would have been an obvious intended field of use.

- As for claim 2: The default fields are dynamically linked to a plurality of reference menus corresponding to prior generations of the same subject matter (0092-0094; 0101-0103).
- As for claim 3: A report addressable to a third party is generated (0054; figure 3).
- As for claims 4, 5: Dynamically linked graphical annotations are provided for the user to enter comments (0045).
- As for claim 6: Fish fails to clearly teach that the dynamically linked menu includes at least a dynamically linked submenu. However Official notice is taken that implementation of menu hierarchy having submenu is well known in the art of menu interface. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well-known implementation of menu hierarchy to Fish. Motivation of the combining is for presenting the menu in a hierarchy order.

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4. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #4,763,356 (Day et al), in view of US patent #5,325,478 (Shelton et al).

- As for claims 1, 7: Day et al (hereinafter Day) teach a method and corresponding product of entering and displaying of spatially related data, comprising the steps of: configuring a data form intended for real-time use during an examination or technical inspection, into a geometry to display upon a display screen 21 (2:30; figs. 1-10); providing a plurality of window-based reference menus, including potential alpha-type entries for data fields defining the data form, with the menu at figs 3-7, 9; providing as an adjunct to retain data fields, a multiple choice menu of click enterable alpha-type entries for the data fields, which are dynamically linked to plural window-based reference menus (2:58-68; figs 3, 4, 9); selectively entering data from the reference menus into data fields of the form corresponding to the reference menus (3:53-57); storing each completed historical data form (12:38-48); designating certain fields as default fields (5:26-41); displaying the data entries of the default fields of each historical form of prior examination or inspections, or prior to the selectively entering data step (5:37-58; figs 8, 9).

Day fails to clearly teach that the entire data form is displayed upon a single screen. In the same field of invention, Shelton teaches a method for displaying information which consolidates information from various subject instance onto a single form (Shelton's 2:53-56; figs 2, 10-12). It would have been obvious to one of skill in the

art, at the time the invention was made, to combine Shelton's teaching of consolidating information into a single screen to Day, as suggested by Shelton.

- As for claim 2: Day teaches dynamically linking the default fields to plural Window-based reference menus corresponding to prior generations of examinations or inspections of the same person or subject matter (figs 3, 4, 9).
- As for claim 3: Day teaches transposing data into letter type report format and printing the report (5:26-36), providing the report to a third party (12:64-13:5; fig 14).
- As for claims 4, 5, 8: Day teaches providing graphical annotations to a window-based supplemental data field, which is dynamically linked to default fields (1:43-45, 6:12-14, fig. 10).
- As for claim 6: The combined teaching fails to teach the sub-menu structure. However, official notice is taken that implementation of a menu hierarchy having a submenu structure is well known in the art of menu interface. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well-known implementation of submenu structure to the combined Day&Shelton for providing a dynamic linked submenu. Motivation of the combining is for further defining the linked option.

#### *Response to Arguments*

5. Applicant's arguments filed 10/6/04 have been fully considered but they are not persuasive as set forth in paragraph 1 above.

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form PTO 892. Applicant's comment regarding their relevancy would expedite the prosecution of this case.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh  
Primary Examiner  
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7/8/05

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PRIMARY EXAMINER